

Article - Business Regulation

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§1–404.

(a) If a person uses a mark in the State, the person may register the mark in accordance with this subtitle.

(b) A person may not register a mark that:

(1) is deceptive, immoral, or scandalous;

(2) may disparage, falsely suggest a connection with, or bring into contempt or disrepute:

(i) a belief;

(ii) an individual, living or dead;

(iii) an institution; or

(iv) a national symbol;

(3) is, simulates, or includes a coat of arms, flag, or other insignia of a government;

(4) is or includes the name, portrait, or signature of a living individual, except with the written consent of the individual; or

(5) is likely, when applied to the goods or services of the person, to confuse or deceive because the mark resembles:

(i) another mark registered in the State; or

(ii) a mark or trade name that another person has used in the State and has not abandoned.

(c) (1) Unless the mark has become distinctive of the person's goods or services, a person may not register a mark that:

(i) only describes or deceptively misdescribes goods or services;

(ii) primarily describes or deceptively misdescribes the geographic origin of goods or services; or

(iii) is primarily merely a surname.

(2) As evidence that a mark has become distinctive of the goods or services of a person, the Secretary of State may accept proof that the person has used the mark as a mark in the State or elsewhere continuously for at least 5 years immediately before the day on which the person applies for registration.

(d) A person may not register a trade name that is not a mark.

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